

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

**FILED**  
CHARLOTTE, NC

OCT 25 2010

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE MATTER OF: SEARCH OF  
INFORMATION ASSOCIATED WITH  
EMAIL ACCOUNTS UTILIZING THE  
DOMAIN NAME "FSCPEDIATRICS.COM"  
THAT IS STORED AT PREMISES  
CONTROLLED BY GOOGLE, INC.

Case No. 3:10-mj-188

**FILED UNDER SEAL**

**MOTION TO SEAL AND APPLICATION  
FOR AN ORDER OF NON-DISCLOSURE OF SEARCH WARRANT**

The United States of America hereby moves to seal this motion, the accompanying search warrant, application for search warrant, supporting affidavit and warrant return. These documents discuss an ongoing criminal investigation that is neither public nor known to all targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation. Moreover, this Affidavit discusses the existence of a *qui tam* action that has been filed in another judicial district and remains under seal.

The United States further requests that pursuant to the preclusion of notice provisions of 18 U.S.C. § 2705(b), Google, Inc. be ordered not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this search warrant until further order of the Court. Such an order is justified because notification of the existence of this search warrant would seriously jeopardize the ongoing investigation. Such a disclosure would give the subscriber corporations, FSC Laboratories, Inc. and FSC Pediatrics, Inc. an opportunity to destroy evidence, change patterns of behavior, or notify confederates.

WHEREFORE, it is respectfully requested that the Court grant the attached Order directing Google, Inc. not to disclose the existence of the search warrant or the application except to the extent necessary to carry out the Order. The United States further requests that this Application and the Court's Order be filed under seal.

Respectfully submitted,

/s/ Kelli H. Ferry  
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